

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

CHARLESTON DIVISION

SARAH FOLSE, et al.,

Plaintiffs,

v.

CIVIL ACTION NO. 2:19-cv-00096

BOSTON SCIENTIFIC CORPORATION,

Defendant.

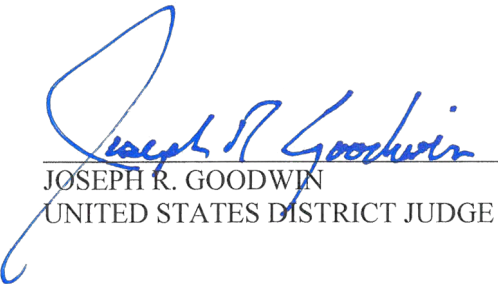
MEMORANDUM OPINION AND ORDER

Pending is Defendant Boston Scientific Corporation's Motion to Dismiss with Prejudice, filed May 7, 2019. [ECF No. 8]. In the Motion, defendant seeks dismissal of plaintiffs' case with prejudice because plaintiffs improperly filed this action directly into the MDL after the court had ended this procedure. Plaintiffs oppose the motion, argue that it should be denied, and, in the alternative, assert that this action should instead be transferred to the Western District of North Carolina or that any dismissal be without prejudice.

Because defendant has filed a notice of appearance in the case, thereby answering the short form complaint and making an appearance and because the court has already entered a scheduling order in this case *which it expects the parties to follow*, the court **ORDERS** that Defendant's Motion [ECF No. 8] is **DENIED**.

The court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: June 11, 2019



JOSEPH R. GOODWIN  
UNITED STATES DISTRICT JUDGE